

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**CÉSAR VALENTÍN REYES**

**Plaintiff**

**v.**

**SYNOVOS, INC. *et al***

**Defendants**

**CIVIL NO. 16-2735 (CCC)**

**AGE DISCRIMINATION;  
RETALIATION;  
WRONGFUL DISCHARGE;  
DAMAGES**

**TRIAL BY JURY DEMANDED**

**MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE  
OF CLAIM UNDER PUERTO RICO LAW NO. 115 AGAINST  
CO-DEFENDANT JUAN MEDINA VISSEPÓ**

TO THE HON. CARMEN CONSUELO CEREZO:

COMES NOW plaintiff, through the undersigned attorneys, and very respectfully states and prays as follows:

1. On September 27, 2016, plaintiff filed the Complaint in this case against several defendants, including his former supervisor, co-defendant Juan Medina Vissepó (“co-defendant Medina”). Docket Entry (“DE”) 1.

2. The only two claims against co-defendant Medina are: (1) a claim of age discrimination under Puerto Rico Law No. 100 of June 30, 1959 (“Law No. 100”); and (2) a claim of retaliation under Puerto Rico Law No. 115 of December 20, 1991 (“Law No. 115”). *See*, DE 1, ¶¶32-33.

3. Just a few weeks ago, the Supreme Court of Puerto Rico held for the first time that, under Law No. 115, only the employer can be liable, and not any of its agents in their individual capacity. *See, Santiago-Nieves v. Braulio Agosto Motors, Inc. et al*, 2017 TSPR 24.

4. Consequently, plaintiff must move for the voluntary dismissal with prejudice of the claim under Law No. 115 against co-defendant Medina.

5. Plaintiff's claim under Law No. 115 will continue against the other two defendants in this case, Synovos, Inc. and Synovos Puerto Rico LLC. Moreover, plaintiff's claim under Law No. 100 continues against all defendants, including co-defendant Medina, who may be liable under said statute. *See, Pérez-Cordero v. Wal-Mart Puerto Rico, Inc.*, 656 F.3d 19, 25, n. 7 (1st Cir. 2011)

6. Considering that the Supreme Court's decision was issued recently, plaintiff respectfully requests that the dismissal of the claim under Law No. 115 against co-defendant Medina be without the imposition of costs and/or attorney's fees.

**WHEREFORE**, plaintiff very respectfully requests the voluntary dismissal with prejudice of his claim against co-defendant Juan Medina Vissepó under Puerto Rico Law No. 115 of December 20, 1991, and that the dismissal be without the imposition of costs and/or attorney's fees.

**RESPECTFULLY SUBMITTED.**

**WE HEREBY CERTIFY** that today this document was filed electronically through the CM/ECF system which will send notification to the parties to their registered email addresses.

In San Juan, Puerto Rico, this 17<sup>th</sup> day of March, 2017.

**LAW OFFICE OF CARLOS VERGNE**  
24 Mariana Bracetti St., 2<sup>nd</sup> Floor  
San Juan, PR 00918  
Tel. (787) 753-3799  
Fax (787) 759-8429  
e-mail: [carlosvergne@aol.com](mailto:carlosvergne@aol.com)

s/Carlos M. Vergne Vargas  
Carlos M. Vergne Vargas  
USDCPR No. 209611

**GONZÁLEZ MUÑOZ LAW OFFICES, PSC**  
P.O. Box 9024055  
San Juan, PR 00902-4055  
Tel. (787) 766-5052  
Fax (787) 766-5551  
e-mail: [info@gonzalezmunozlaw.com](mailto:info@gonzalezmunozlaw.com)

s/Juan Rafael González Muñoz  
Juan Rafael González Muñoz  
USDCPR No. 202312